

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF VIRTUAL PUBLIC HEARING**

TIME AND PLACE: **Monday, November 15, 2021, @ 4:00 p.m.**
WebEx or Telephone – Instructions will be provided on the OZ website by Noon of the Hearing Date

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 21-07 (The Institute of Urban Living – Consolidated Review and Approval of a Planned Unit Development and Related Zoning Map Amendment @ Bruce Place, S.E. [Square 5876, Lot 849])

THIS CASE IS OF INTEREST TO ANC 8E

Oral and Written Testimony

- All who wish to testify in this case are **strongly encouraged** to sign up to do so **at least 24 hours prior to the start of the hearing** on OZ’s website at <https://dcoz.dc.gov/service/sign-testify> – see below: *How to participate as a witness – oral statements.*
- All written comments and/or testimony **must be submitted to the record at least 24 hours prior to the start of the hearing** – see below: *How to participate as a witness – written statements.*

The Institute of Urban Living (the “Applicant”) filed an application (the “Application”) on April 15, 2021, with the Office of Zoning (“OZ”), requesting that the Zoning Commission (the “Commission”) grant the following relief under the Zoning Regulations (Title 11 of the District of Columbia Municipal Regulations (the “DCMR”), Zoning Regulations of 2016, to which all references are made unless otherwise specified) for Lot 849 in Square 5876 (the “Property”) in the RA-1 zone for a Consolidated Planned Unit Development (“PUD”) and related Zoning Map Amendment pursuant to Subtitle X, Chapter 3, to construct a new residential building of all-affordable housing reserved for previously homeless seniors with mental health diagnoses (the “Project”).

The Property

The Property consists of approximately 36,117 square feet of land area (0.83 acres). The property is located on the north side of Bruce Place, S.E., between Jasper Place and 12th Place, S.E. The Property is otherwise bounded by the Bruce Gardens apartment complex to the west, a vacant lot to the east, and Stanton Road, S.E. to the north. The property is unimproved.

The Generalized Policy Map of the District of Columbia Comprehensive Plan (Title 10A DCMR, the “CP”), designates the property in the Neighborhood Conservation Area category, which the CP defines as:

Neighborhood Conservation Areas: Neighborhood Conservation areas have little vacant or underutilized land. They are generally residential in character. Maintenance of existing land uses and community character is anticipated over the next 20 years. Where change occurs, it will typically be modest in scale and will consist primarily of infill housing, public facilities, and institutional uses. Major changes in density over current (2017) conditions are not expected but some new development and reuse opportunities are anticipated, and these can support conservation of neighborhood character where guided by Comprehensive Plan policies and the Future Land Use Map. Neighborhood Conservation Areas that are designated “PDR” on the Future Land Use Map are expected to be retained with the mix of industrial, office, and retail uses they have historically provided.

The guiding philosophy in Neighborhood Conservation Areas is to conserve and enhance established neighborhoods, but not preclude development, particularly to address city-wide housing needs. Limited development and redevelopment opportunities do exist within these areas. The diversity of land uses and building types in these areas should be maintained and new development, redevelopment, and alterations should be compatible with the existing scale, natural features, and character of each area. Densities in

Neighborhood Conservation Areas are guided by the Future Land Use Map and Comprehensive Plan policies. Approaches to managing context-sensitive growth in Neighborhood Conservation Areas may vary based on neighborhood socio-economic and development characteristics. In areas with access to opportunities, services, and amenities, more levels of housing affordability should be accommodated. Areas facing housing insecurity (see Section 206.4) and displacement should emphasize preserving affordable housing and enhancing neighborhood services, amenities, and access to opportunities. (CP §§ 224-225).

The CP's Future Land Use Map, designates the property in the Moderate Density Residential category, which the CP defines as:

Moderate Density Residential: This designation is used to define neighborhoods generally, but not exclusively, suited for row houses as well as low-rise garden apartment complexes. The designation also applies to areas characterized by a mix of single-family homes, two- to four-unit buildings, row houses, and low-rise apartment buildings. In some neighborhoods with this designation, there may also be existing multi-story apartments, many built decades ago when the areas were zoned for more dense uses (or were not zoned at all). Density in Moderate Density Residential areas is typically calculated either as the number of dwelling units per minimum lot area, or as a FAR up to 1.8, although greater density may be possible when complying with Inclusionary Zoning or when approved through a Planned Unit Development, The R- 3, RF, and **RA-2 Zone Districts** are consistent with the Moderate Density Residential category, and other zones may also apply. (CP § 227.6 – *emphasis added*)

The Application

The Application proposes to rezone the Property within the PUD process under Subtitle X §§ 300.4 and 303.12 from the current RA-1 zone to the proposed RA-2 zone, with the resulting changes to the following development standards:

Zone	Current RA-1	Proposed RA-2
Maximum FAR	0.9	1.8
Maximum FAR w/IZ	1.08	2.16
Maximum Height (Feet)	40	50
Maximum Height w/ PUD	60	60
Maximum No. of Stories	3	No Limit
Maximum % Lot Occupancy	40	60
Rear Yard	20 feet	A distance equal to 4 in. per 1 ft. of principal building height; but not less than 15 ft.
Green Area Ratio	0.4	0.4

The Application proposes to construct the Project to include:

- A total gross floor area of approximately 75,380 square feet;
- Approximately 71 residential units available at the 50% and 30% Median Family Income levels for the initial affordability period;
- A total floor area ratio of approximately 2.08;
- A building height of approximately 56.5 feet;
- A lot occupancy of approximately 44%; and
- Approximately 7 garage parking spaces.

The Application requested design flexibility from conforming precisely to the Project as shown on the plans submitted with the Application.

The Application is requesting the following flexibility:

- A waiver pursuant to Subtitle X § 301.2 from Subtitle X § 301.1's minimum one-acre land area requirement for the RA-1 zone;

- PUD flexibility pursuant to Subtitle X § 303.1 from Subtitle C § 1504.1(c)'s minimum one-to-one penthouse side building wall setback to accommodate the elevator overrun to allow a two feet, two inch (2 ft., 2 in.) setback instead of the required four feet (4 ft.) setback; and
- A special exception, pursuant to Subtitle X § 303.13 and Chapter 9 relief from Subtitle C § 802.1's minimum 24 long-term bicycle parking spaces to provide 12 spaces.

The Office of Planning submitted a May 17, 2021 report that:

- Determined that the Application would not be inconsistent with the Comprehensive Plan, although some issues required additional resolution or detail; and
- Therefore, recommend that the Commission set the Application down for a public hearing with the expectation that the Application be refined to address these issues.

The Commission voted at its May 27, 2021 public meeting, to set down the Application for a public hearing.

The Applicant submitted its prehearing statement to OZ on September 14, 2021.

This virtual public hearing will be conducted in accordance with the contested case provisions Subtitle Z, Chapter 4.

How to participate as a witness – oral presentation

Interested persons or representatives of organizations may be heard at the virtual public hearing. All individuals, organizations, or associations wishing to testify in this case are **strongly encouraged to sign up to testify at least 24 hours prior to the start of the hearing** on OZ's website at <https://dcoz.dc.gov/> or by calling Ron Barron at (202) 727-0789 in order to ensure the success of the new virtual public hearing procedures.

The Commission also requests that all witnesses prepare their testimony in writing, submit the written testimony prior to giving statements, and limit oral presentations to summaries of the most important points. The Commission must base its decision on the record before them. The following maximum time limits for oral testimony shall be adhered to and no time may be ceded:

- | | |
|-------------------------------------|-------------------------|
| 1. Applicant and parties in support | 60 minutes collectively |
| 2. Parties in opposition | 60 minutes collectively |
| 3. Organizations | 5 minutes each |
| 4. Individuals | 3 minutes each |

Pursuant to Subtitle Z § 408.4, the Commission may increase or decrease the time allowed above, in which case, the presiding officer shall ensure reasonable balance in the allocation of time between proponents and opponents.

How to participate as a witness - written statements

Written statements, in lieu of personal appearances or oral presentation, may be submitted for inclusion in the record, provided that **all written comments and/or testimony must be submitted to the record at least 24 hours prior to the start of the hearing, unless approved by the Commission upon request to be introduced at the public hearing.** The public is encouraged to submit written testimony through the Interactive Zoning Information System (IZIS) at <https://app.dcoz.dc.gov/Login.aspx>; however, written statements may also be submitted by e-mail to zcsubmissions@dc.gov. Please include the case number on your submission. If you are unable to use either of these means of submission, please contact Ron Barron at (202) 727-0789 for further assistance.

How to participate as a party.

Any person who desires to participate as a party in this case must so request and must comply with the provisions of Subtitle Z § 404.1. A party has the right to cross-examine witnesses, to submit proposed findings of fact and conclusions of law, to receive a copy of the written decision of the Commission, and to exercise the other rights

of parties as specified in the Zoning Regulations. If you are still unsure of what it means to participate as a party and would like more information on this, please contact OZ at dcoz@dc.gov or at (202) 727-6311.

Except for an affected ANC, any person who desires to participate as a party in this case must clearly demonstrate that the person's interests would likely be more significantly, distinctly, or uniquely affected by the proposed zoning action than other persons in the general public. Persons seeking party status shall file with the Commission, not less than 14 days prior to the date set for the hearing, or 14 days prior to a scheduled public meeting if seeking advanced party status consideration, a Form 140 - Party Status Application, a copy of which may be downloaded from OZ's website at: <https://app.dcoz.dc.gov/Help/Forms.html>.

"Great weight" to written report of ANC

Subtitle Z § 406.2 provides that the written report of an affected ANC shall be given great weight if received at any time prior to the date of a Commission meeting to consider final action, including any continuation thereof on the application, and sets forth the information that the report must contain. Pursuant to Subtitle Z § 406.3, an ANC that wishes to participate in the hearing must file a written report at least seven days in advance of the public hearing and provide the name of the person who is authorized by the ANC to represent it at the hearing.

FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.

ANTHONY J. HOOD, ROBERT E. MILLER, PETER A. SHAPIRO, PETER G. MAY, AND THE AOC REPRESENTATIVE ----- ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY SARA A. BARDIN, DIRECTOR, AND BY SHARON S. SCHELLIN, SECRETARY TO THE ZONING COMMISSION.

Do you need assistance to participate? If you need special accommodations or need language assistance services (translation or interpretation), please contact Zee Hill at (202) 727-0312 or Zelalem.Hill@dc.gov five days in advance of the meeting. These services will be provided free of charge.

¿Necesita ayuda para participar? Si tiene necesidades especiales o si necesita servicios de ayuda en su idioma (de traducción o interpretación), por favor comuníquese con Zee Hill llamando al (202) 727-0312 o escribiendo a Zelalem.Hill@dc.gov cinco días antes de la sesión. Estos servicios serán proporcionados sin costo alguno.

Avez-vous besoin d'assistance pour pouvoir participer ? Si vous avez besoin d'aménagements spéciaux ou d'une aide linguistique (traduction ou interprétation), veuillez contacter Zee Hill au (202) 727-0312 ou à Zelalem.Hill@dc.gov cinq jours avant la réunion. Ces services vous seront fournis gratuitement.

참여하시는데 도움이 필요하세요? 특별한 편의를 제공해 드려야 하거나, 언어 지원 서비스(번역 또는 통역)가 필요하시면, 회의 5일 전에 Zee Hill 씨께 (202) 727-0312 로 전화 하시거나 Zelalem.Hill@dc.gov 로 이메일을 주시기 바랍니다. 이와 같은 서비스는 무료로 제공됩니다.

您需要有人帮助参加活动吗? 如果您需要特殊便利设施或语言协助服务(翻译或口译)·请在见面之前提前五天与 Zee Hill 联系·电话号码 (202) 727-0312, 电子邮件 Zelalem.Hill@dc.gov 这些是免费提供的服务。

Quý vị có cần trợ giúp gì để tham gia không? Nếu quý vị cần thu xếp đặc biệt hoặc trợ giúp về ngôn ngữ (biên dịch hoặc thông dịch) xin vui lòng liên hệ với Zee Hill tại (202) 727-0312 hoặc Zelalem.Hill@dc.gov trước năm ngày. Các dịch vụ này hoàn toàn miễn phí.

ለመሳተፍ ዕርዳታ ያስፈልግዎታል? የተለየ እርዳታ ካስፈለገዎት ወይም የቋንቋ እርዳታ አገልግሎቶች (ትርጉም ወይም ማስተርጎም) ካስፈለገዎት እባክዎን ከስብሰባው አምስት ቀናት በፊት ዚ ሂልን በስልክ ቁጥር (202) 727-0312 ወይም በኢሜል Zelalem.Hill@dc.gov ይገናኙ። እንኝህ አገልግሎቶች የሚሰጡት በነጻ ነው።